

REMARKS

This is in response to the non-final Office Action mailed August 27, 2007, having a three month response date of November 27, 2007. For reasons stated below, Applicants submit the present rejections are no longer applicable.

Claim Amendments

Applicants herein cancel claims 1-3 and present new claims 4-23. These claims do not add any new matter beyond the specification as originally filed. For example, claims 4 and 15 recite the detection of a network event, such as described for example on page 12, lines 10-16. Claims 4 and 15 also recites the execution of an action tree in response to the network event, such as also described in on page 12, lines 10-16 and preceding paragraphs within the specification. Therefore, Applicants request entrance and examination of claims 4-23.

Double Patenting Rejection

Applicants respectfully traverse and submit that in view of the cancellation of claims 1-3, this reject is no longer proper.

Rejection of claims 1-3 under 35 U.S.C. §102(b)/103(a)

Claims 1 and 3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,557,747 (Rogers) and claim 2 stands rejected under 35 U.S.C. §103(a) based on the combination of Rogers and U.S. Patent No. 6,393,386 (Zager).

Applicants must respectfully traverse and explicitly disagree with this rejection. Claims 1-3, as originally presented, are identical to the issued claims of the parent application, U.S. Patent No. 6,694,362. As previously indicated by Primary Examiner Nabil El-Hady, claims 1-3 are **patentable** over the prior art. Therefore, the U.S. Patent Office has already examined these claims and in the course of full prosecution, granted

the claims as being patentable, thereby granting the issued patent a legal presumption of validity. Applicants submit the present rejection of claims 1-3 is improper because these claims have already been deemed patentable. Moreover, Applicants further submit these rejections as moot in view of the cancellation of claims 1-3.

Claims 4-23 patentable over Rogers and Rogers / Zager

In order to be fully responsive, Applicants additionally note that claims 4, 15 and the dependent claims 5-14 and 16-23 are patentable over Rogers and the combination of Rogers / Zager.

Rogers describes a system that performs network control operations in response to changes in a network state. A policy implementation system receives feedback from monitors that interface with the network operating system.

Among other shortcomings, Rogers does not describe the claimed data impact analysis data structure populated with data accessed from a plurality of data sources throughout the network. As interpreted from the present Office Action, the Examiner cites to the lines 7-10 of the preamble and col. 1, lines 42-47 as describing these features, to which Applicants disagree.

The Examiner-cited passages describe the policy interpreter reading a “network policy statement” (Abstract) and that an administrator may perform a load balancing operation (col. 1, lines 42-47). Reading a policy statement is does not describe the claimed data structure, but rather is merely an act to read a predefined set of instructions. Similarly, an administrator performing a load balance operation does not describe the claimed data structure because recognizing one server having too much storage is inconsistent with populating the impact analysis data structure with data from a plurality of data sources.

Zager is asserted to overcome deficiencies regarding the limitations of claim 2 and does not correct the above-noted deficiencies regarding the disclosure of Rogers.

Accordingly, new claims 4-23 are patentable in view of Rogers and the combination of Rogers and Zager. Dependent claims are also patentable for at least the same reasons as stated above.

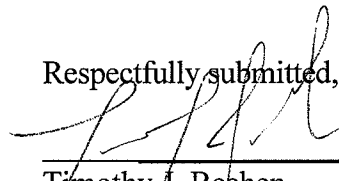
For these reasons, the applicants respectfully request that the Examiner withdraw the rejections as they might be applied to the claims as pending following entry of this amendment and allow the claims. To expedite prosecution of this application to allowance, the Examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-4026 if required in the submission of this Amendment.

Dated: November 27, 2007

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON November 27, 2007.

Respectfully submitted,



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